

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12-10-10

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SHANTI GURUNG,

Plaintiff,

v.

JOGESH MALHOTRA and NEENA MALHOTRA

Defendants.  
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Case No. 10-CIV 5086

**ORDER  
GRANTING PLAINTIFF'S  
MOTION FOR USE OF  
ALTERNATIVE MEANS OF  
SERVICE ON THE  
DEFENDANTS**

WHEREAS, Plaintiff Shanti Gurung moved against Defendants Jogesh Malhotra and Neena Malhotra (collectively, "Defendants"), for an order permitting alternative service of process pursuant to Federal Rule of Civil Procedure 4(f)(3), for the reason that Plaintiff's previous attempts at service have been thwarted by the Central Authority in India and because the Defendants have repeatedly acknowledged the instant action in the media;

The court finds the following:

1. The Defendants currently reside in India, a signatory to the Hague Service Convention, making service of the Defendants governed by the procedures of said Convention;
2. Plaintiff has repeatedly attempted to effect service of process on the Defendants, both through the Central Authority in New Delhi, India as stipulated in the Hague Service Convention and by employment of a private process server;

4. The Defendants are aware of the lawsuit, have a copy of the Complaint, and are evading service;

5. The methods of alternative service sought by Plaintiff are reasonably likely to reach the Defendants;

Accordingly, this Court finds that an entry of an order permitting alternative service is necessary and appropriate.

NOW THEREFORE, IT IS HEREBY ORDERED that, pursuant to Rule 4(f)(3) of the Federal Rules of Civil Procedure, service of the Summons, Complaint and this Order shall be made and deemed effective as to all named Defendants if it is completed by: (1) publishing the summons and a notice to all Defendants, along with a brief statement of the case, once weekly for a period of four consecutive weeks, in the *Hindustan Times* (an Indian publication in New Delhi) and either *The Times of India* or *Business Standard* (two additional widely circulated Indian newspapers in New Delhi); (2) certified mail, return receipt requested, to the Defendants care of the Embassy of India in the United States and the Indian Permanent Mission to the United Nations; (3) delivery of Adobe PDF copies of all papers and this Order to the work e-mail address of Neena Malhotra, [dirtsouth@mea.gov.in](mailto:dirtsouth@mea.gov.in);

IT IS FURTHER ORDERED that upon completion of the above means of service, the Defendants have 60 days to answer the allegations of the Complaint.

